

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Bannen, et al.

Serial No.: 10/518,110
 PCT No: US03/18262

Filed: 10 December 2004
 Int'l Filing Date: 11 June 2003

For: HUMAN ADAM-10 INHIBITORS

Confirmation No: 3309

Attorney Docket No: EX03-039C-US

TRANSMITTAL LETTER

Assistant Commissioner of Patents
 Alexandria, VA 22313-1450

Dear Commissioner:

Enclosed herewith are the following documents:

1. Response (3 pages)
2. Copy of Notice (3 pages)
3. Return Receipt Post Card

Respectfully submitted,

Laleh Shayesteh

Reg. No. 47,937

Dated: July 13, 2005

EXELIXIS, INC.
 P.O. Box 511, 170 Harbor Way
 South San Francisco, California 94083-0511
 Tel: (650) 837-8180; Fax: (650) 837-8234

CERTIFICATION OF MAILING

I hereby certify that this correspondence and any papers referred to as attached are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Date: July 13, 2005

Luajuan LeGrande



Rec'd PCT/PTO 15 JUL 2005

#5

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Attorney Docket No: EX02-039C-US

RESPONSE TO THE NOTIFICATION OF MISSING REQUIREMENTS

Commissioner of Patents
Alexandria, VA 22313-1450

Dear Commissioner:

In response to the Notification of Missing Requirements for the above-identified application, enclosed is a statement from Richard George Khoury, stating that the error in the international application occurred without deceptive intent on his part. The signed oath and declaration submitted on December 10, 2004 reflect the correct inventorship. Exelixis is the assignee of the application and notes that the error occurred without deceptive intent. See enclosed Consent of the Assignee.

This application does not require a sequence listing.

This is responsive to the notification mailed June 16, 2005. The Commissioner is authorized to charge any fees required for consideration of this paper and any other papers filed herewith to deposit account number 50-1108.

Respectfully submitted,



Latheh Shayesteh Reg. No: 47,937

EXELIXIS, INC.

170 Harbor Way, P.O. Box 511
South San Francisco, California 94083-0511

Telephone: (650) 837-8180

Facsimile: (650) 837-8234

Dated: July 13, 2005
10/04/2005 138607 60000000 501108 10518110
Sale Ref: 00000009 DA# 501108 10518110
01 FC:1464 130.00 DA



Rec'd PCT/PTO 15 JUL 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Bannen, et al.

Attorney Docket No: EX02-039C-US

Serial No.: 10/518,110
PCT No: US03/18262

Filed: 10 December 2004
Int'l Filing Date: 11 June 2003

For: HUMAN ADAM-10 INHIBITORS

STATEMENT OF RICHARD GEORGE KHOURY UNDER 37 USC § 1.497

I, Richard George Khoury, state that I am an inventor in the above-stated application as appearing in the signed declaration, and my name did not appear in the international application by error. I further state that this error was without deceptive intent on my part.

Respectfully submitted,

Dated: 7/7/05

A handwritten signature in black ink, appearing to read "Richard George Khoury". It is written in a cursive style with some variations in letter height and thickness.

Richard George Khoury

Rec'd PCT/PTO 15 JUL 2005



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Attorney Docket No: EX02-039C-US

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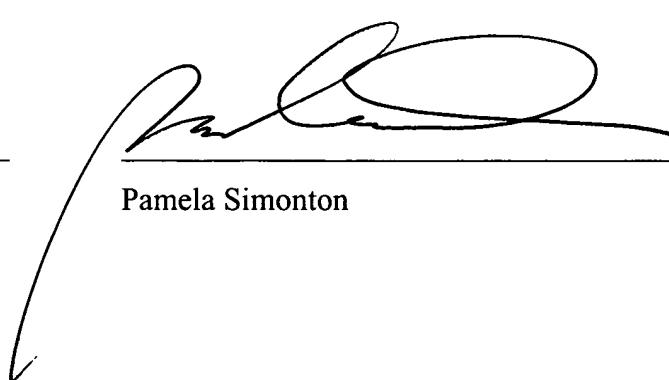
CONSENT OF THE ASSIGNEE

I, Pamela Simonton, Senior Vice President, Patents and Licensing and representative of Exelixis state:

Exelixis is an assignee of the instant application and consents to the change in inventorship for the above-identified application.

Respectfully submitted,

Dated: 11 July 05


Pamela Simonton

Rec'd PTO 15 JUL 2005

PCT



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
www.uspto.gov

JUL 15 2005

U.S. APPLICATION NUMBER NO.

10/518,110

FIRST NAMED APPLICANT

Lynn Canne Bannen

ATTY. DOCKET NO.

EX03-039C-US

INTERNATIONAL APPLICATION NO.

PCT/US03/18262

I.A. FILING DATE

06/11/2003

PRIORITY DATE

06/12/2002

23500
 PATENT DEPT
 EXELIXIS, INC.
 170 HARBOR WAY
 P.O. BOX 511
 SOUTH SAN FRANCISCO, CA 94083-0511

COPY

CONFIRMATION NO. 3309

371 FORMALITIES LETTER

OC000000016194200
 OC000000016194200

Date Mailed: 06/16/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 12/10/2004
- Copy of the International Search Report filed on 12/10/2004
- Copy of IPE Report filed on 12/10/2004
- Information Disclosure Statements filed on 03/21/2005
- Oath or Declaration filed on 12/10/2004
- Request for Immediate Examination filed on 12/10/2004
- Copy of references cited in ISR filed on 03/21/2005
- U.S. Basic National Fees filed on 12/10/2004
- Priority Documents filed on 12/10/2004
- Specification filed on 12/10/2004
- Claims filed on 12/10/2004

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - Identifies Inventor not listed on International Application, Richard George Khoury. Please clarify.
- \$130 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

SUMMARY OF FEES DUE:

07/20/2005 GFREY1 00000104 501108 10518110

01 FC:1617 130.00 DA

DOCKETED
 Exelixis, Inc

JUN 27 2005

Total additional fees required for this application is \$130 for a Large Entity:

- **\$130 Late oath or declaration Surcharge.**

- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ ebc@uspto.gov

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

A copy of this notice MUST be returned with the response.

BARBARA A CAMPBELL

Telephone: (703) 308-9140 EXT 217

BEST AVAILABLE COPY

Rec'd PCT/PTO 15 JUL 2005**PART 1 - ATTORNEY/APPLICANT COR**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/518,110	PCT/US03/18262	EX03-039C-US

FORM PCT/DO/EO/905 (371 Formalities Notice)**BEST AVAILABLE COPY**